



JUDICIAL COUNCIL OF IOWA

IN THE MATTER OF)	
THE JUDICIAL COUNCIL)	
ADVISORY COMMITTEE ON)	ORDER
FINE COLLECTION PROCEDURES,)	
PRACTICES AND RULES)	

Earlier this year, the legislature approved sweeping changes to the statutory procedures for collecting debt obligations owed to the state, in particular, debts owed for fines and court fees. See S.F. 2383; 4 Iowa Legis. Service 558 (West 2010). In addition to adding new collection procedures, the legislature modified a number of existing procedures regarding the collection of court fines and fees by the courts, the executive branch, county attorneys, and others. To comply with these changes, the judicial branch must modify its current collection practices and procedures.

The judicial council believes, however, that the judicial branch can and is able to make other types of changes that will strengthen the state's fine collection efforts. For example, improvements may result from the adoption of uniform practices shown to be effective and efficient.

In addition, the judicial branch must adjust the amount of time that judges, magistrates, clerks and other court staff spend on collection activities to reflect the reality of budget cuts and the branch's record low staffing levels. Although fine collection is important, Iowans in need of court services, particularly those involved in high priority cases must be served first. The judicial council has resolved to evaluate the judicial branch's fine collection activities and recommend uniform fine collection procedures that are effective within the constraints of the judicial branch's limited resources.

For all of the reasons mentioned above, the judicial council approves the creation of a statewide advisory committee on collection practices. Among other things, this committee shall:

- Evaluate and assess the judicial branch's current fine collection activities and procedures;
- Examine ways to strengthen fine collection efforts and identify best practices that are both effective and an efficient use of judicial branch resources;
- Study and recommend improvements to ICIS that would facilitate voluntary payment of fines and strengthen fine collection efforts;
- Develop and recommend uniform fine collection procedures for adoption as court rules;
- Study and recommend rules and forms regarding the terms and conditions for court ordered installment payment plans;
- Study and recommend, as needed, rules and forms governing court ordered community service;
- Study and recommend, as needed, rules governing the court-approval or acceptance of restitution payment plans prepared by officials of community based corrections;
- Work with the director of judicial branch training and education in the development of training programs and materials for judicial officers and court staff regarding fine collection practices and procedures; and
- Make other recommendations that the committee believes would improve the state's fine collection efforts, including recommendations for statutory changes.

As part of its study, the committee shall examine fine collection procedures recommended by courts in other states and by the National Center for State Courts. The committee shall also invite input from interested organizations, including the Central Collection Unit of the Department of Revenue, the Iowa County Attorneys Association, Iowa Legal Aid, the State Public Defender, the Department of Corrections, the Iowa County Treasurers Association, the Iowa Attorney General, and others involved in fine collection.

By June 30 of each fiscal year, the committee shall file with the clerk of the supreme court a brief annual report to the court and the judicial council that outlines all of the committee's activities, topics of discussion and recommendations during the past twelve months. The first report shall include a proposed strategic plan and an implementation timeline. This report is due on June 30, 2011. As part of its first report, the committee will recommend rules governing the terms and conditions for court ordered installment payment plans.

The court hereby appoints the following members to this committee for staggered initial terms that begin immediately:

For a term that ends September 30, 2011:

Chief Judge Kurt Wilke, co-chair
District Associate Judge William Price
District Associate Judge Emily Dean
Magistrate David Binegar
Louisa County Clerk of Court Melissa Schoonover

For a term that ends September 30, 2012:

Peggy Sullivan, co-chair, Director of Finance and Personnel
District Judge Greg Steensland
District Associate Judge Joseph Moothart
Cindy Johnson, Trial Court Supervisor, Polk County Clerk of Court Office
Assistant District Court Administrator Bill Watson

For a term that ends September 30, 2013:

Magistrate Eric Neu
Sioux County Clerk of Court Deb Fischer
Montgomery County Clerk of Court Mary Alice Wood
Ken Gard, Financial Supervisor, Linn County Clerk of Court Office
Betty Buitenwerf, Counsel to the State Court Administrator

Members appointed for an initial three-year term shall be eligible to serve a second three-year term. Members whose initial appointment is less than a three-year term shall be eligible to serve up to two additional three-year terms. In the future, new members shall serve no more than two full three-year terms.

Members shall be reimbursed for necessary and reasonable travel expenses according to Iowa Court Rules 22.16 through 22.21.

This order takes effect immediately.

Dated this 24th day of September, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha K. Ternus, Chief Justice